

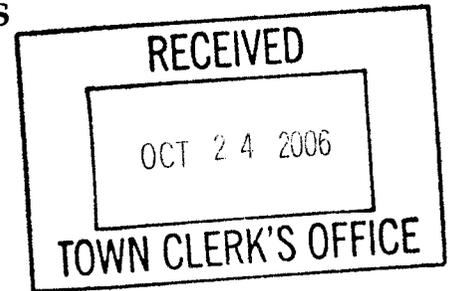
# TOWN OF NEW WINDSOR

## ZONING BOARD OF APPEALS

Regular Session

Date: OCTOBER 23, 2006

### AGENDA



7:30 p.m. - Roll Call

Motion to accept minutes of SEPTEMBER 25, 2006 meetings as written.

### PRELIMINARY MEETINGS:

#### 1. LANDMASTER HARP, LLC (Covington Estates) (06-56) Request for:

Dwelling Units: 10 ft. Side Yard Setback  
10 ft. Rear Yard Setback  
8.5 ft. Maximum Building Height

Sign: 2.5 sq. ft. Height  
136.75 sq. ft. area

All at proposed Covington Estates. on Rt. 300 (Temple Hill Rd) in an **R-5 Zone (65-2-1.1,1.2 & 1.3)**

2. **KAREN JEFFERS (06-57)** Request for 6 ft. Side Yard Setback and, 20.5 ft Total Side Yard Setback and; 15.5 ft. Rear Yard Setback for proposed addition to single family home at 33 Merline Avenue in an R-4 Zone **(13-12-17)**

3. **DENISE STRALEY - VINYL TECH. (for Ailee Solomon Vilda)** Request for 7 ft. Rear Yard Setback for proposed 13' X 11' attached sun room at 2202 Reveres Run in an R-3 Zone **(77-4-6)**

### PUBLIC HEARINGS:

4. **DONNA BRUNELL (for Michael Murphy) (06-48)** Request for 24 ft. Rear Yard Setback for existing deck at 112 Glendale Drive in an R-4 Zone **(25-4-7)**

(NEXT MEETING DATE IS NOVEMBER 13, 2006)

October 23, 2006

1

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OCTOBER 23, 2006

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN  
KATHLEEN LOCEY  
ERIC LUNDSTROM  
PAT TORPEY

ALSO PRESENT: MICHAEL BABCOCK  
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.  
ZONING BOARD ATTORNEY

MYRA MASON  
ZONING BOARD SECRETARY

ABSENT: KIMBERLY GANN

REGULAR\_MEETING  
\_\_\_\_\_

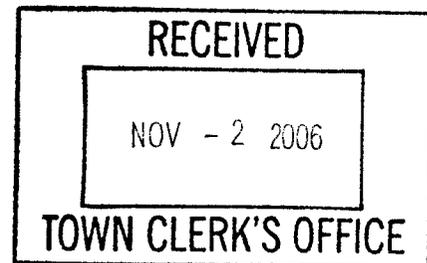
MR. KANE: I'd like to call to order the October 23,  
2006 meeting of the New Windsor Zoning Board.

APPROVAL\_OF\_MINUTES\_DATED\_SEPTEMBER\_25,\_2006  
\_\_\_\_\_

MR. KANE: Motion to accept the minutes of September 25  
as written.

MR. LUNDSTROM: So moved.

MR. LOCEY: I will second it.



October 23, 2006

2

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

PRELIMINARY\_MEETINGS

---

LANDMASTER\_HARP,\_LLC\_(06-56)

---

Mr. Ross Winglovitz appeared before the board for this proposal.

MR. KANE: Request for dwelling units, 10 ft. side yard setback, 10 ft. rear yard setback, 8.5 maximum building height, sign, 2.5 sq. ft. height and 136.75 sq. ft. area all at proposed Covington Estates on Route 300.

MR. WINGLOVITZ: Good evening, I'm Ross Winglovitz with M.J. Properties representing Landmaster Harp this evening. We were here before the board and received a height variance, I'll take it one at a time, I guess I'll start with height. Last July we made a presentation in June, we were set for a public hearing in July, had our hearing, the height variance related to the interior units on the plan because of the topo and the way the units are set into the hill based on a technical reading of the ordinance a height variance of up to 8.5 feet for a total height of 43.5 feet will be required to construct those units. Nothing has changed on that other than it's been a year and our variance expired I guess in July 25.

MR. KANE: That's why you're back here.

MR. WINGLOVITZ: That's why we're back here for the height variance. When we met with Michael, we were moving further along with architecture and looking at the plans, couple other variances were identified and those are the two additional variances that were also requested. One is for the sign, the sign area is larger than permitted. This is Jim Baumgartner. There's a really nice entry feature which is a basically a stone entry sign, all stone work in cap blocks, they put a little standing sign, I don't know what you'd call it, roof on top, caps on top, yes, and

basically the sign is to code to match the building then it's usually brass letters I think is what they do put in there, whatever the name of the project's going to be, in this instance, it basically will be a stucco background, Covington Estates in brass letters on it.

MR. KANE: Total height of the sign?

MR. WINGLOVITZ: Total height of the sign is 6 feet in the center but the ends are a little bit higher, the main part of it is 6 feet, the ends I think are going to be about 2 1/2 foot higher so--

MR. KANE: We go with the highest point, is that correct?

MR. BABCOCK: That's correct.

MR. WINGLOVITZ: We had 8.5 because that was the top.

MR. KANE: 8.3 he just wants to make sure.

MR. BABCOCK: Yeah, we rounded it to 8.5 and that's why they need a 2.5, they're allowed 6.

MR. KANE: We're just sure of the numbers then.

MR. BABCOCK: Yes.

MR. KANE: Did you guys note that it's 8.5 not 8.3 on the total height, if you look on the entry wall sheet? Any illumination in the sign?

MR. WINGLOVITZ: No, there's no internal illumination, they may spot it from the exterior onto the sign.

MR. KANE: Is the sign going to block the vision of any vehicles entering or exiting or coming down the road?

MR. WINGLOVITZ: No, it's actually set into the project

site on the project property so also room the sign is back here, it's hard to tell but it's about 25 feet back from the edge of the road so a car can pull up beyond it and see in each direction.

MR. KANE: Okay.

MR. WINGLOVITZ: And they'd like to get the variance for that area because they want to have consistency in all their projects, this is actually the smaller of the signs that they're doing.

MR. KANE: You're going to have double faced?

MR. WINGLOVITZ: Yes. The last variance is the variance for the decks that we applied for. We worked through the site plan approval, we have conditional site plan approval for the project, we did start working out the architecture, the building jogs and so forth and found out that on our reading of the ordinance which was different than Michael's that we may need a variance for the decks. We read in the zoning that decks were permitted into the yard as long as they were no more than three foot difference than the average grade in front of building. Mike has never interpreted it that way, in fact, he interpreted it differently, we said we'd just rather come for a variance.

MR. KANE: Decks being back yard decks?

MR. BABCOCK: Rear yard decks, yes.

MR. KANE: I've got to stay thank you because we see developers come in and they sell the property and everybody comes in to put a deck and they've got 5 steps coming down this big and they say handle it later on. I'd rather see it taken care of en masse up front.

MR. WINGLOVITZ: We jogged the buildings around so we

got rid of the, all the need for variances around the building front, there's a foot or two on one building here, building I guess it's 91, 65 there's a couple feet that they make into the yard and the real problem ones are buildings 20 on Revolutionary Way and because of the way those buildings are laid out and trying to keep the consistency between the buildings all of those decks are going to be into the setback so these are the real ones that really have--

MR. KANE: I'm real happy to see it being taken care of up front rather than individually.

MR. BABCOCK: We probably should of picked that up a while ago but we didn't so they have to come back to renew the height.

MR. WINGLOVITZ: And we have a hundred foot buffer here on this side we're requesting to go up to 90 so I don't think there's a problem.

MR. KANE: On the rear yard setbacks cutting down anymore substantial trees or it's not going to involve anything else than what's already been cut down to put the buildings?

MR. WINGLOVITZ: Correct, the latter.

MR. LUNDSTROM: You said that you were here before on the stuff for the inside, are you coming back for the same building? If so, what portions have been completed, what hasn't been completed?

MR. WINGLOVITZ: None of the site work has been completed, we have conditional site plan approval subject to lifting of the water moratorium basically.

MR. KANE: Yeah, they had gotten the building height variance about a year ago, didn't build within a year, gotta come back.

October 23, 2006

7

MR. LUNDSTROM: Just wanted to make sure they didn't build anything or build part of it.

MR. KANE: All right, I'll accept a motion to set him up for a public hearing.

MR. LUNDSTROM: On all three items?

MR. KANE: Yes.

MR. LUNDSTROM: I will make that motion.

MS. LOCEY: I'll second it.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

KAREN\_JEFFERS\_(06-57)

---

MR. KANE: Request for 6 ft. side yard setback and 20.5 ft. total side yard setback and 15.5 ft. rear yard setback for proposed addition to single family home at 33 Merline Avenue.

Mr. Ormiston Gumbs appeared before the board for this proposal.

MR. KANE: For those of you in the audience we hold a preliminary meeting so we can get an idea what you want to do. If this was another town, you walk in, you don't have the right information, you lose, you can't come back for six months. This way, you come in, if we need something you don't have, we're not aware of, we help you out, we set it up basically you go through the same thing just so you understand.

MR. GUMBS: My name is Ormiston Gumbs, I'm here for my sister, she's trying to put up her addition which seems to be lacking enough space and so I'm here trying to get approval.

MR. KANE: Where is the addition going to go, sir? Can you show me on these pictures.

MR. GUMBS: In the rear of the house right here.

MR. BABCOCK: You should have a survey, Mr. Chairman.

MS. MASON: He has it.

MR. KANE: Thank you.

MR. GUMBS: In the back there cause she's not going to be much further back than the neighbors.

MR. KANE: So the addition itself is actually going to keep the home in the same approximate size of other

homes in your neighborhood?

MR. GUMBS: Right.

MR. KANE: Cutting down any trees, substantial vegetation?

MR. GUMBS: No, just grass in the back yard.

MR. KANE: Creating any water hazards or runoffs?

MR. GUMBS: No.

MR. KANE: The addition itself, it's not going to be in, used as an apartment or anything, it's going to be--

MR. GUMBS: What happens is she got two kids soon-to-be teenagers and the present house is only two bedrooms.

MR. KANE: Just going to be adding another bedroom and expanding the home?

MR. GUMBS: Right.

MR. KANE: Deck right here that's going to come off and turn into part of the house?

MR. GUMBS: Right.

MR. KANE: Any easements running through where you intend to put the deck, the addition, I'm sorry? Any easements meaning a right-of-way. There doesn't seem to be any but we're going to ask the question.

MR. GUMBS: No.

MR. KANE: I think that's it for now.

MR. KRIEGER: Water and sewer?

October 23, 2006

10

MR. GUMBS: Public.

MR. KANE: We covered the apartment issue. Any further questions? At this point, I'll accept a motion.

MR. LUNDSTROM: Mr. Chairman, I will offer a motion that the application of Karen Jeffers be allowed to proceed to a public hearing.

MR. TORPEY: I'll second that.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

DENISE\_STRALEY\_-\_VINYL\_TECH\_(FOR\_ALICE\_SOLOMON\_VILDA)\_  
(06-58)

MR. KANE: Request for 7 ft. rear yard setback for proposed 13' x 11' attached sun room at 2202 Revers Run.

Mr. Howard Klein appeared before the board for this proposal.

MR. KLEIN: You have to excuse me, this is my second week with the company, I was elected to come down.

MR. KANE: So we got the new guy.

MR. KLEIN: Yes.

MR. LUNDSTROM: Your relationship to the owner?

MR. KLEIN: We're the contractor that's going to be installing the sun room.

MR. KANE: We'll need a proxy at the public hearing so you'll have to have a proxy that you're able to speak for the homeowner.

MS. MASON: I have one for Denise and Steve Straley.

MR. KLEIN: I took over Steve's position as installation manager so we could get another one.

MR. KANE: Bring it in if you can, we have one on record with a different name but bring one in with your name on it so cross all the Ts and dot the Is.

MR. KLEIN: Okay. We are going to construct a sun room 11 foot projects out from the house and 13 foot in length at the rear of the home where there's now an existing deck, if you would look at the rear of the home where the patio door's at.

MR. KANE: Going to take the place of the existing deck?

MR. KLEIN: The existing deck will have to be completely torn down and rebuilt to code to support a sun room so the existing deck will come down, a new deck will be constructed in the same area, they'll be using the existing patio door to come into their sun room.

MR. KANE: So I'll have to ask the normal questions, cutting down any trees, substantial vegetation?

MR. KLEIN: No, sir.

MR. KANE: Creating water hazards or runoffs?

MR. KLEIN: No, sir.

MR. KANE: And basically the sun room being an addition is not going to make the house any bigger than any homes in that particular neighborhood?

MR. KLEIN: No and I don't know what the zoning is but like it's a three season so I don't know if they consider that, you know, it's not really a living space sun room.

MR. KANE: That's up to the tax department.

MR. KLEIN: I'm not sure about how that works but I think maybe that might be the case.

MR. KANE: Yeah, they'll handle that with the taxes whether they consider that a livable space.

MR. BABCOCK: The issue this is a corner lot and the side yard is already up to 12 foot on one side so where they want to put this is in the rear, what we call the

rear yard, the requirement is 30 feet, that's correct.

MR. KANE: Yeah, I figured that, that's why I didn't ask you. Any other questions? Pretty straightforward. I'll accept a motion.

MS. LOCEY: I will offer a motion to schedule a public hearing on the application of Alice Solomon Vilda for the requested variances as listed on the October 23 agenda of the New Windsor Zoning Board of Appeals.

MR. TORPEY: I'll second that.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. KANE: What we did was just voted for a public hearing and approved that, just follow the directions right on here and then you'll come back for the public, that's when we as I said before we try to get all the information up front.

MS. MASON: Just read that, tells you what to do next.

MR. KLEIN: Thank you.

MR. KANE: Once you follow through on that, give Myra a call if you have any questions.

MR. KLEIN: Thank you very much.

October 23, 2006

14

PUBLIC\_HEARINGS:

\_\_\_\_\_  
DONNA\_BRUNELL\_(FOR\_MICHAEL\_MURPHY)\_(06-48)  
\_\_\_\_\_

MR. KANE: Request for 24 ft. rear yard setback for existing deck at 112 Glendale Drive.

Ms. Donna Brunell appeared before the board for this proposal.

MS. BRUNELL: I need a permit for an existing deck on the back of 112 Glendale and she doesn't have enough rear yard.

MR. LUNDSTROM: For the record, would you state your name and relationship?

MS. BRUNELL: Donna Brunell, RE-MAX Benchmark Realty Group, I'm his realtor.

MR. KANE: Can you tell me about how long the deck has been in existence?

MS. BRUNELL: He bought the house I believe in the beginning of 2005 and made what was there bigger like it is now.

MR. KANE: There was a deck before?

MS. BRUNELL: There was always a deck there.

MR. KANE: Do we have any idea, Michael, how long the deck was up? I'm gathering there was no permit on it.

MS. BRUNELL: The first deck when the house was built I'm guessing.

MR. BABCOCK: Yeah, I think so.

MR. KANE: Just for the record.

MR. BABCOCK: No, I don't have that, Mr. Chairman.

MR. KANE: We'll assume that the original deck was on when the house was built. Do you know has there been any complaints formally or informally about the deck?

MS. BRUNELL: Not that I'm aware of.

MR. KANE: The deck has been extended, does it make it in the neighborhood of the same size as other decks that are in that neighborhood?

MS. BRUNELL: Yes.

MR. KANE: Cut down, do you know have they cut down any trees or substantial vegetation in the building of the deck?

MS. BRUNELL: No because there's a large tree right next to it.

MR. KANE: Create water hazards or runoff?

MS. BRUNELL: No.

MR. KANE: Are there any easements that you know of running through the property where the deck is?

MS. BRUNELL: No.

MR. LUNDSTROM: For the record just answer it yes or no.

MS. BRUNELL: No, no, to all the questions.

MR. KANE: Some of them we have to ask the questions.

MR. BABCOCK: Mr. Chairman, the deck that was there was 10 x 18, the new one's 14 x 20 and it appears it was

built in 1974 the existing one.

MR. KANE: Okay, at this point, I will open it up to the public and seeing as there's no one there I'll close the public portion of the meeting and ask Myra how many mailings we had.

MS. MASON: On the 9th day of October, I mailed out 76 envelopes and had no response.

MR. KANE: And let the record show that we do have a proxy on hand.

MR. KRIEGER: Safety, there's a door from the house exiting onto the deck, is that correct?

MS. BRUNELL: Yes.

MR. KRIEGER: So if the deck weren't there a person exiting from the door would likely fall and sustain serious injury?

MS. BRUNELL: Absolutely.

MR. KRIEGER: So it is a safety issue?

MS. BRUNELL: Yes.

MR. KANE: Any further questions from the board? I'll accept a motion from the board.

MS. LOCEY: I will offer a motion to grant the requested variances on the application of Donna Brunell for Michael Murphy for 24 foot rear yard setback for existing deck at 112 Glendale Drive.

MR. TORPEY: Second it.

ROLL CALL

October 23, 2006

17

MR. LUNDSTROM        AYE  
MS. LOCEY            AYE  
MR. TORPEY           AYE  
MR. KANE             AYE

MR. KANE: You're all set.

MS. BRUNELL: Thank you.

MR. KANE: There's nothing else. Next meeting is  
November 13, only one meeting next month. Motion to  
adjourn.

MR. LUNDSTROM: So moved.

MS. LOCEY: Second it.

ROLL CALL

MR. LUNDSTROM        AYE  
MS. LOCEY            AYE  
MR. TORPEY           AYE  
MR. KANE             AYE

Respectfully Submitted By:

Frances Roth  
Stenographer

